

HOUSE JOINT RESOLUTION 141
By Kelsey

A RESOLUTION to propose an amendment to Articles II and VI, of the Constitution of Tennessee, relative to merging chancery courts, criminal courts and circuit courts into a single district court with both law and equity jurisdiction.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that the Constitution of Tennessee be amended as follows:

That Article II, Section 26 be deleted and the following be substituted instead:

Sec. 26. No Judge of any District or other Inferior Court, Secretary of State, Attorney General, Register, Clerk of any court of Record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly; nor shall any person in this State hold more than one lucrative office at the same time; provided, that no appointment in the Militia, or to the office of Justice of the Peace, shall be considered a lucrative office, or operative as a disqualification to a seat in either House of the General Assembly.

That Article VI, Sections 1, 4, 8, 10 and 13 be deleted and the following be substituted instead:

Sec. 1. The judicial power of this State shall be vested in one Supreme Court and in such District and other inferior Courts as the Legislature shall from time to time, ordain and establish; in the Judges thereof, and in Justices of the Peace. The Legislature may also vest such jurisdiction in Corporation Courts as

may be deemed necessary. Courts to be holden by Justices of the Peace may also be established.

Sec. 4. The Judges of the District Courts, and of other inferior Courts, shall be elected by the qualified voters of the judicial district to which they are to be assigned. Every Judge of such Courts shall be thirty years of age, and shall before his election, have been a resident of the State for five years and of the circuit or district one year. His term of service shall be eight years.

Sec. 8. The jurisdiction of the District Courts, shall be as now established by law for Circuit, Criminal and Chancery Courts, until changed by the Legislature. The jurisdiction of other Inferior Courts shall be as now established by law, until changed by the Legislature.

Sec. 10. The Judges or Justices of the District and other Inferior Courts shall have power in all civil cases, to issue writs of certiorari to remove any cause or the transcript of the record thereof, from any inferior jurisdiction, into such court of law, on sufficient cause, supported by oath or affirmation.

Sec. 13. Judges of the Supreme Court shall appoint their clerks who shall hold their offices for six years. Clerks of the District Courts and Inferior Courts holden in the respective Districts or Counties, shall be elected by the qualified voters thereof for the term of four years. Any Clerk may be removed from office for malfeasance, incompetency or neglect of duty, in such manner as may be prescribed by law.

BE IT FURTHER RESOLVED, That the foregoing be referred to the One Hundred Fifth General Assembly and that this resolution proposing such amendment be published in accordance with Article XI, Section 3 of the Constitution of Tennessee.